The Builder.

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SATURDAY, SEPTEMBER 2, 1848.

A SMART blow has been struck against filth and fever, immorality and crime, by the transformation of Lord Morpeth's "Bill for promoting the Public Health" into an Act of Parliament. We are not of those who regard it as the *only* achievement which the present session has to boast of,—the preservation of order and the maintenance of the safety and dignity of England at home and abroad, during most troublous times, are not to be lightly treated,—nor do we view it as a perfect measure; but it is nevertheless an issue on which we can cordially congratulate the country, and indeed the world, because, as an undeniable evidence of the opinion entertained in England, it cannot fail to have a great effect in other countries, where life and property are at present recklessly wasted.

It starts on the unquestionable ground, that "further and more effectual provision ought to be made for improving the sanitary condition of towns and populous places in England and Wales," and that the supply of water, the sewerage, drainage, cleansing and paving of such places should, as far as practicable, be placed under one and the same local management and control, subject to a certain general supervision. The metropolis, as our readers have heard, is excepted from its operations.*

The first Commissioner of Woods and Forests, and such two other persons as Her Majesty may appoint (one of whom only is to be paid), are to constitute a "general Board of Health," with power to appoint a paid secretary: the board to continue for five years only. The board may from time to time appoint, with the approval of the Treasury, "superintending inspectors" for the purposes of the Act, with an allowance to each of not more than three guineas per day, for every day he shall be actually employed or travelling in the performance of the duties of his office, together with reasonable travelling and other expenses.

The services of these superintending inspectors will be brought into operation thus:—On the petition of not less than *one-tenth* of the inhabitants rated to the relief of the poor (not being less than thirty in number), *or* when the proportion of deaths, from febrile epidemic, endemic, and contagious diseases in any city, &c., appear upon the Registrar General's returns to have exceeded the proportion of 20 per cent. of the total deaths, or the general average rate of such deaths in the registration districts,—the board may send a superintending inspector to the place to inquire as to the sewerage, drainage, and supply of water, burial-grounds, sanitary condition of the inhabitants, existence of local Acts, &c., and report to the board. On which report the Act may be put into full force within such place by an Order in Council. In places where certain local Acts are in force, the order must be made provisionally, and sanctioned by Parliament. Except for the purposes of sewerage, the consent of the town-council is in some cases required.

This will serve to shew such of our readers as desire to see the condition of the several towns in which they dwell examined into, how to proceed: the necessary requisition is already in course of signature in Portsmouth, we understand, and elsewhere, calling on the board to send down an inspector. In places where the deaths have been above the proportion, the board will probably of themselves, as empowered by the Act, immediately institute the necessary inquiries, with the view of bringing the provisions of the Act into force.

The expenses of the inquiry, &c., in the event of the Order in Council being made, to such an extent as the Treasury may direct, are to be paid out of the rates on the district.

The Act, then, being brought into operation in any district, a local board of health is to be appointed, under prescribed regulations. In districts consisting of a corporate borough or boroughs, or part of a borough, the town council is to be the local board. In other cases, part of the local board is to be selected by the town council and part by the owners and rate-payers: and in districts not comprising any part of a corporate borough, all the persons forming the local board are to be elected by the owners and rate-payers. About one-third of the local board are to go out of office in each year, but are re-eligible.

The local board is to meet every month at least, maintain offices, appoint surveyor, inspector of nuisances, clerk, and other officers,—the surveyor and inspector to be subject to the approval of the general Board of Health. The local board, with approval of General Board, may also appoint a member of the medical profession, under the name of the "officer of health," and the same officer may serve for two or more districts, and be paid either by a salary or otherwise.

The local board may, if they please, obtain a map, exhibiting a system of sewerage for effectually draining their district.—Sewers, with certain exceptions, to belong to and be under the control of the local board, who are to repair the same, and make such others as may be required for the purposes of the Act. The board is also to have the sewers constructed, covered, and cleaned, so that they may not be a nuisance or injurious. A communication must not be made with any existing sewer, nor any building erected over a sewer, nor any vault formed under the carriage-way of a street, without leave from the board: a house must not be built or rebuilt without proper drains.

In places containing less than 5,000 inhabitants, where this Act shall not have been applied by an Order in Council, if it shall appear at a public meeting to the majority of the inhabitants there assembled that any open receptacles should be drained, covered, &c., or that a sewer should be made, a well dug, a pump constructed, *or water otherwise provided*, the churchwardens and overseers shall procure a plan and estimate of the cost,—and if the same be sanctioned by a majority of the rated inhabitants assembled at another meeting, the work is to be done, and paid for out of the poor-rates.

It will not be lawful to erect or rebuild any house without a water-closet or privy or ash-pit: and provision is made for the proper arrangement of similar conveniences in factories, &c., where persons of both sexes, in number more than twenty, are employed. Relative to proper levels, &c., for these conveniences, their situation and construction, notice must be given to the local board fourteen days before beginning to build or rebuild; and the board are to see that all cesspools, closets, &c., are kept so as not to be a nuisance. And on a written application, shewing that a drain, water-closet, cesspool, or ash-pit, "is a nuisance or injurious to health," but not otherwise," the surveyor may, after twenty-four hours' notice (or, in case of emergency, without notice), open and examine the same, and if necessary remedy the evil at the cost of the owner, when the latter will not do it himself.

The board is to see to the cleansing of the streets, and the provision of public necessaries,—an important and much-needed power. The board is to drain, cover, or fill up, all ponds, drains, and places containing matter likely to be prejudicial to health, having first given notice to the owner or occupier of the premises whereon the same exists. Offensive matter is to be removed on certificate of inspector of nuisances; houses are to be purified on certificate of officer of health, or any two medical practitioners; the emission of opaque smoke ("which shall for the purposes of this Act be held to mean smoke not transparent at the point of its exit from the chimney or flue") is made liable to a penalty; and slaughter-houses are to be registered, and, if necessary, provided by the board. Offensive trades or manufactures are not to be newly established in any building without consent of local board, "unless the general board shall otherwise direct."

A clause, enforcing the ventilation of places intended for the assemblage of numbers of people, was struck out by the Lords.

Public lodging-houses are to be registered, and the local board is to make regulations for promoting cleanliness and ventilation therein. It will not be lawful to let, or occupy, as a dwelling, any vault or cellar built after the passing of the Act; nor to continue to let, or occupy, as a dwelling, any underground room whatsoever, unless the same be in every part 7 feet high, and under certain other conditions.†

The management of all present and future streets, pavements, &c., is to be under the local board, who, further, have power to compel owners of private streets to sewer, pave, &c., and have power to purchase premises to improve streets; and with the approval of the general board, provide and maintain public walks and pleasure grounds.

The local board is to provide their district with sufficient supplies of water, but is not to construct water-works if any waterworks company within their district be able and willing to supply water on such terms as the general board may consider reasonable.

* "That is to say, the City of London and the liberties thereof, the parts within the limits of certain commissioners of sewers, bearing date, at Westminster, the 30th day of November, in the year of our Lord 1847, also the parts within the limits of a certain other commission of sewers, bearing date at Westminster, the 4th day of December, in the year last aforesaid, and the parts subject to the jurisdiction of the commissioners acting in the execution of an Act of the fifth year of the reign of King George the Fourth, for (amongst other things) more effectually paving, lighting, watching, cleansing, and regulating the Regent's Park, and in the execution of the several Acts for extending the jurisdiction of such commissioners."

† The conditions are as follows:—"Unless the same be in every part thereof at least 7 feet in height, measured from the floor to the ceiling thereof, nor unless the same be at least 3 feet of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same vault, cellar, or room, and extending along the entire frontage thereof, and upwards, from 6 inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least 2 feet and 6 inches wide in every part; nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is 1 foot at least below the level of the floor of such vault, cellar, or room; nor unless there be appurtenant to such vault, cellar, or room, the use of a water-closet or privy, and an ash-pit, furnished with proper doors and coverings, kept and provided according to the provisions of this Act; nor unless the same have a fire-place with a proper chimney or flue; nor unless the same have an external window of at least 9 superficial feet in area clear of the sash-frame, and made to open in such manner as shall be approved by the surveyor, except in the case of an inner or back vault, cellar, or room, let or occupied, along with a front vault, cellar, or room, as part of the same letting or occupation, in which case the external window may be of any dimensions, not being less than 4 superficial feet in area clear of the sash-frame."—This is not to come into operation till one year after passing the Act, nor in any district till six months after the application of the Act to that district.

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